

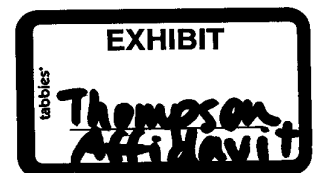
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CHERYL A. SOUTHERLAND : Case No. C-1-02-162
 : J. Spiegel
Plaintiff, :
 :
v. :
 :
SYCAMORE COMMUNITY SCHOOL :
DISTRICT BOARD OF EDUCATION :
 :
Defendant. :

State of Ohio)
) SS
County of Hamilton)

Tod J. Thompson, being first duly cautioned and sworn, states as follows:

- i. That I am an attorney admitted to practice in the state courts of Ohio, the U. S. Sixth Circuit Court of Appeals, and the U. S. District Court for the Southern District of Ohio;
- ii. That I graduated from University of Cincinnati College of Law in June, 2003, and was admitted to the Ohio Bar in November, 2003;
- iii. That I have been an associate attorney with the law firm of Freking & Betz since, engaged primarily in the practice of employment law;
- iv. That Freking & Betz emphasizes employment law on behalf of plaintiffs, and that all members of our firm maintain daily time records of services in tenths of an hour;
- v. That I have served as counsel for Plaintiff Cheryl A. Southerland in this matter;
- vi. That the conferences I had with Mr. Freking and Mr. Napier regarding Defendant's post-trial appeal related directly and exclusively to the issues raised on



Defendant's appeal;

vii. That there was no need to "get up to speed" with Ms. Southerland's case as my representation of Ms. Southerland was limited to issues raised in Defendant's post-trial appeal;

viii. That between January 15, 2004 and February 10, 2004 I reviewed and analyzed Defendant's Proof Brief, evaluated Defendant's asserted issues and arguments, reviewed trial transcripts and exhibits, evaluated the legal merit of Defendant's appeal, and conferred with Mr. Freking and Mr. Napier about responses to the issues raised on Defendant's appeal;

ix. That from February 11, 2004 through February 16, 2004, I drafted Plaintiff's Proof Brief in response to Defendant's appeal, expending approximately 1.2 hours per page;

x. That as demonstrated by the summary of attorney's time, attached to Plaintiff's Supplemental Application for Attorney Fees, Costs and Interest as Exhibit A, and billing records attached as Exhibit B my time and other Plaintiff's counsel's time was spent on multiple necessary activities including reviewing and outlining Defendant's brief, reviewing and outlining the trial transcripts, reviewing the case law cited by Defendant, thoroughly researching case law applicable to the issues on appeal, drafting and finalizing the Plaintiff's brief and preparing for oral argument;

Further Affiant Sayeth Naught.



Tod J. Thompson

Sworn to and subscribed before me on this 22nd day of February, 2005.

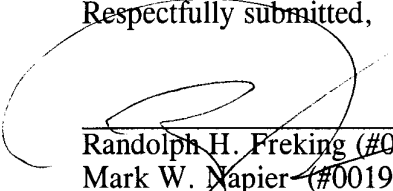


ELIZABETH S. LORING
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
03/03/06



Notary Public

Respectfully submitted,



Randolph H. Freking (#0009158)

Mark W. Napier (#0019700)

Trial Attorneys for Plaintiff

FREKING & BETZ

215 East Ninth Street, Fifth Floor

Cincinnati, OH 45202

(513) 721-1975

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on R. Gary Winters, Esq.,
McCaslin, Imbus & McCaslin, 632 Vine Street, Suite 900, Cincinnati, OH 45202, by regular
U.S. mail, this 22nd day of February, 2005.

